

Office of Defense Services (ODS)

**OMB FY23 Budget Hearing
November 18, 2021**



The ODS Mission

To ensure our clients' Sixth Amendment rights to an effective lawyer and to a fair trial are respected and realized.

To defend indigent adults accused of a crime, and children accused of a delinquent act

Right to counsel is guaranteed - Sixth Amendment to the U.S. Constitution, Delaware Constitution (Article I, Section 7), and case law

The Cost to Defend

Office of Defense Services

Central Administration

- Executive Team
- HR/Fiscal
- Information Technology
- Training and Development
- Intake Unit

\$3,596.3 GF

30.0 FTE

4.0 C/S

Public Defenders Office

- Attorneys
- Forensic Social Specialists
- Mitigation Specialists
- Legal and Administrative Support Staff
- Investigators
- Partners for Justice Advocates
- Third Party Experts

\$16,739.1 GF

131.0 FTE

6.0 C/S

4.0 Contractors

Office of Conflicts Counsel

- Managing Attorneys
- Forensic Social Specialists
- Legal and Administrative Support Staff
- Third Party Experts
- Contract Attorneys

\$7,008.6 GF

9.0 FTE

2.0 C/S

34.0 Contractors

Prior Year Accomplishments

- ✓ Continuity of operations
- ✓ Legislative impact
 - ✓ HB 115 – Minimum age of prosecution
 - ✓ SB 111 & SB 112 – Clean Slate
 - ✓ HB 215 – Custodial Interrogations
- ✓ Diversity, Equity and Inclusion
- ✓ Named one of Delaware Top Workplaces

Current Year Key Initiatives

- Recruitment and Retention
- Community Engagement and Outreach
 - Community Engagement Specialist
 - Informational Sessions on Criminal Justice
- Post Disposition activities
 - Expungement Clinics
 - Pardons, commutations and other collateral matters
- Continued commitment to holistic defense, re-entry and reform

Future Goals and Emerging Issues

The Future

- Educational advocacy for justice involved children
- Critical Case and Evidence Management system upgrade
- Collaborate and engage with communities statewide
- Policy advocacy and reform

Emerging Issues

- Initial bail hearings (SS1 SB 7)
- Family Advocacy Unit
- Office space requirements

FY23 Base Budget Overview

	\$'000
FY 2022 GF Operating Budget:	27,344.0
FY 2022 Personnel Contingency:	186.3
FY 2023 Requested Door Openers*:	2,537.9
FY 2023 Requested Enhancements:	793.2
FY 2023 GF Requested Operating Budget:	30,861.4

**Includes 11.0 FTE and excludes \$53.8 in one-time funds*

FY23 Door Openers

	FTE	\$'000
➤ Body Worn Camera Program:		
➤ Allocation of year 1 costs from OMB		941.8
➤ Annualization of year 1 costs		274.4
➤ Year 2 cost and FTE Establishment*	8.0	1,201.2
➤ Lease & Subscription Escalators:		
➤ Annual Kent and Sussex lease inflator		3.4
➤ Westlaw Subscription		1.9
➤ Contractual Positions to FTEs		
➤ Forensic Social and Mitigation Specialists**	3.0	115.2
Total Requested Door Openers:	11.0	2,537.9

*\$53.8 in one-time funds also requested

**Net impact of increased personnel costs and reduced contractual expenses

FY23 Operating Budget Request

\$'000

➤ **Attorney Salary Matrix Update:**

699.8

- Reward competitively with private firms
- Increase lower-level salaries more significantly to drive recruitment
- Address mid-level salary rates to increase retention
- Add new steps within paygrades to retain more experienced attorneys, who are being actively recruited by outside firms

➤ **Partners for Justice program expansion:**

93.4

- Secure funding to deliver program statewide
- Expanding the program to Kent and Sussex Counties
- Provide clients with wraparound support
- Key early intervention and collaboration with community organizations and services

Total Requested Enhancements:

793.2



- Recruiting and retaining quality public defenders and support staff is fundamental to delivering the State's Constitutional obligation.
- Zealous community engagement and advocacy will allow the office to continue to employ a holistic defense model and aid re-entry and reform.
- As a publicly funded law firm, these additional resources will allow the office to continue, and enhance, the provision of representation for the indigent community.

Thank You